S.B.CRIMINAL MISC. BAIL APPLICATION NO.4868/2007
(Shyam Lal & Anr. vs. State of Rajasthan)

DATE OF ORDER : October 22, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.N.L.Joshi, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioners that the allegation of subjecting the complainant to cruelty and harassment is at Jalalabad (Punjab). Learned counsel for the petitioners submits that son of complainant has filed an affidavit.

Learned Public Prosecutor opposes the bail application and submits that there had been several occasions that the complainant was subjected to cruelty and harassment more particularly by petitioner No.1 Shyam Lal. There are allegations against petitioner No.1 that when the husband of the complainant was not at home, petitioner No.1 used to come to the house of the complainant and used to start outrage modesty of the complainant and tortured her. The allegations against the

petitioners are for the offences under sections 498-A and 406 I.P.C. So far as point of jurisdiction is concerned, there being an offence punishable under section 406 I.P.C. and section 181(4) Cr.P.C. determines the jurisdiction. Undisputedly, the marriage was solemnized at Vijay Nagar, Distt. Sri Ganganagar, where the dowry articles were entrusted. In the circumstances, therefore, the contention of the learned counsel for the petitioner with regard to the jurisdiction is devoid of any merit.

Having regard to the facts and circumstances of the case and the fact that no specific overt act has been assigned to the petitioner No.2, a lady, who is wife of petitioner No.1, in my view, it is a fit case to grant anticipatory bail to petitioner No.2 Suman. However, so far as petitioner No.1 Shyam Lal is concerned, there are serious allegations against him. In the circumstances, therefore, I do not think it a fit case to grant anticipatory bail to petitioner No.1 Shyam Lal.

The bail application filed by petitioner No.1 Shyam Lal under section 438 Cr.P.C. is, therefore, dismissed.

However, having regard to the facts and circumstances of the case, the bail application filed by petitioner No.2 Suman under section 438 Cr.P.C. is allowed and it is directed that in the

event of arrest of petitioner No.2 Suman w/o Shyam Lal in FIR No.155/2007, Police Station, Sri Vijay Nagar, Distt. Sri Ganganagar, she shall be released on bail for a period till the police concludes the investigation and files the challan provided she furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That she shall make herself available for interrogation by a police officer as and when required;

(ii)That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer and;

(iii)That she shall not leave India without the previous permission of the Court.

The petitioner No.2 shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-